

REMARKS

Claims 55-92 were pending in this application. Claims 55-59 and 71-74 have been amended. Claims 61-70 and 75-92 have been cancelled. Claims 93-96 have been added. Thus, claims 55-60, 71-74, and 93-96 are now pending.

Claim Duplication

The Office Action advises that should claim 55, 56, 58, 59, 64, 67, 73, 82, and 83 be found allowable, several claims will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. Applicant respectfully submits that the potential objection has been rendered moot in view of the present claim amendments and cancellations.

Double Patenting

Claims 55-92 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 55-84 and 26-46 of copending U.S. Patent Application Numbers 11/820,329 and 11/519,463, respectively. Claims 55-92 are further rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7, 1-21, and 1-10 of U.S. Patent No.'s 6,749,510, 7,182,690, and 6,800,027, claims 1-54, 1-44, and 1-24 of EP Patent No.'s 1231577 and 1180754, and claims 1-24 of CA Patent No. 2,331,243. Initially, Applicant respectfully submits that the latter rejection is based in part on several foreign patents, *i.e.*, EP and CA patents. These foreign patents provide improper grounds for a double patenting rejection. In addition, Applicant respectfully submits that the rejections have been rendered moot in view of the present claim amendments and cancellations. If necessary, however, Applicant respectfully submits that, once the claims have been finalized, the filing of a disclaimer will be considered to overcome any non-statutory double patenting rejections.

Rejections under 35 U.S.C. § 102

Claims 55-92 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pub. No. WO 00/030729 to Wiltshire et al. ("Wiltshire"). Applicant respectfully traverses the rejection of independent claims 55 and 71, because Wiltshire fails to teach or suggest each and every element of the claims. In particular, claim 55 now recites "in response to the at least one remote display terminal being idle for a predetermined period of time, the display displaying a plurality of game selection indicia corresponding to the plurality of games" and "remote display terminal, the display of the one remote display terminal displaying the selected game

until the one remote display terminal has been idle for the predetermined period of time.” In addition, claim 71 recites “in response to the at least one remote display terminal being idle for a predetermined period of time, displaying a plurality of game selection indicia corresponding to the plurality of games” and “displaying the selected game until the one display terminal has been idle for the predetermined period of time.”

Contrary to the claimed invention, Wiltshire explains:

FIG. 4A shows an “attract mode” image 400 displayed on screen 140 while computer gaming system 100 is in an attract mode. Once a user activates computer gaming system 100 by touching the surface of screen 140, a casino floor image 410 is displayed on screen 140. . . . Casino floor image 410 illustrates various casino games supported by computer gaming system 100. Each of the available games is represented by a “virtual” button. . . .

Wiltshire, p. 14, lines 22-31. Although Wiltshire may disclose a casino floor image 140 with various casino games supported by computer gaming system 100, Wiltshire teaches that the casino floor image 140 only appears after a user activates the computer gaming system 100 by touching the screen 140 with an “attract mode” image. *Id.* Accordingly, the casino floor image 140 does not appear after the client/terminal computer 120 has been idle for a predetermined period of time, as required by the claims. Indeed, Wiltshire is completely silent regarding a predetermined period of idle time. Moreover, the description from Wiltshire above actually suggests that the “attract mode” screen is displayed as a default screen when the client/terminal computer 120 has been idle.

Because Wiltshire fails to disclose displaying a plurality of game selection indicia corresponding to the plurality of games in response to the at least one remote display terminal being idle for a predetermined period of time, Wiltshire fails to teach or suggest each and every element of independent claims 55 and 71. Applicant further notes that these particular features now recited by claims 55 and 71 are similar to the limitations recited in now cancelled claims 85 and 92. The Office Action, however, fails to discuss “being idle for a predetermined period of time” and thus provides inadequate grounds for the rejection of claims reciting this limitation. *See* Office Action, p. 5, line 21-p. 6, line 11.

In view of the foregoing, withdrawal of the rejection of the claims is in order and is respectfully requested. In addition, dependent claims 56-60 and 72-74 are also allowable at least for the same reasons as base claims 55 and 71. Moreover, the cancellation of claims 61-70 and 75-92 have rendered their rejection moot.

CONCLUSION

It is the Applicant's belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

No fees are believed due in connection with this amendment. However, the Commissioner is authorized to charge any fees which may be required in connection with this application (excluding the issue fee), or credit any overpayment to Deposit Account No. 50-4181, Order No.247079-000087USC1.

Dated: October 27, 2008

Respectfully submitted,

By Daniel J. BURNHAM, Reg. #39,618/

Daniel J. Burnham

Registration No.: 39,618

NIXON PEABODY LLP

161 N. Clark St., 48th Floor

Chicago, Illinois 60601

(312) 425-3900

Attorneys For Applicant